

# **Exhibit 10**

Declaration of Sabrina Malecek  
(Jul. 17, 2023)

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*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT, DISTRICT OF MONTANA  
BUTTE DIVISION**

THE IMPERIAL SOVEREIGN COURT  
OF THE STATE OF MONTANA; ADRIA  
JAWORT; RACHEL CORCORAN; THE  
MONTANA BOOK COMPANY; IMAGINE  
BREWING COMPANY, LLC d/b/a  
IMAGINE NATION BREWING  
COMPANY; BUMBLEBEE AERIAL  
FITNESS; MONTANA PRIDE; THE  
WESTERN MONTANA COMMUNITY  
CENTER; THE GREAT FALLS LGBTQ+  
CENTER; THE ROXY THEATER; and  
THE MYRNA LOY,

*Plaintiffs,*

vs.

AUSTIN KNUDSEN; ELSIE ARNTZEN;  
J.P. GALLAGHER; and the CITY OF  
HELENA,

*Defendants.*

Cause No. CV 23-50-BU-  
BMM

**Declaration of Sabrina  
Malecek, owner of  
Bumblebee Aerial Fitness**

I, Sabrina Malecek, declare as follows:

1. I am a resident of Helena, Montana.
2. I own Bumblebee Aerial Fitness, a fitness studio for all community members over the age of 14. We offer over a dozen different classes specific to skill level and age group.
3. I operate Bumblebee Aerial Fitness under my maiden name, Sabrina Harding.
4. Bumblebee Aerial Fitness is Helena's only circus studio, with a focus on pole fitness, silks hammock, and aerial hoop (lyra).
5. I am a licensed XPERT-certified instructor and I previously trained at Polecats Aerial Fitness in Las Vegas, Nevada; The Dollhouse Fitness, in San Diego, California; and at Club B-FIT in Des Moines, Iowa.
6. My instructors and I are the only XPERT Certified Instructors in the state of Montana.
7. Bumblebee Aerial Fitness is a safe space for all individuals and identities.


8. Bumblebee Aerial Fitness is active and beloved within the community. Bumblebee Aerial Fitness typically teaches 26 classes per week and sees anywhere from 20–40 clients per week.
9. Bumblebee Aerial Fitness and I regularly assist with other artistic and theatrical performances in the Helena community.
10. In April, 2023, Bumblebee Aerial Fitness provided the performers and equipment for the aerial performance during “Charlotte’s Web” at Carroll College.
11. This past spring, Bumblebee Aerial Fitness provided performers, equipment, and training to bring the magic of “Matilda” to life at the Grandstreet Theatre,
12. Bumblebee Aerial Fitness regularly provides models for figure drawing classes at the Holter Museum of Art, and performs for the public at Lewis & Clark Brewery.
13. Bumblebee Aerial Fitness emphasizes the benefits of art in building, cultivating, and creating safe spaces within our community.
14. Bumblebee Aerial Fitness has been invited to perform at Montana Pride.

15. For the safety of our performers, we must wear costumes that are skin-tight in some areas of the body and provide some skin exposure in others; regardless, we wear more clothing than the U.S. Olympic Beach volleyball team.
16. We teach mediums of fitness that are designed to instill and inspire confidence in the dancer. There is nothing inherently sexual about aerial fitness.
17. HB 359 has opened the door for rampant discrimination against non-traditional fitness based on outdated and untrue stereotypes.
18. While there is nothing inherently sexual about our performances, clients of Bumblebee Aerial Fitness are concerned they could be arrested or fined based on obscene interpretations of their skillset and hard work because of HB 359.
19. In 5 years of operation before the passage of HB 359, Bumblebee Aerial Fitness had never had a performance canceled or indefinitely postponed.
20. However, in the wake of HB 359, a climate of fear created has diminished our ability to operate and perform.

21. Bumblebee Aerial Fitness was previously invited to model on our poles for a drawing class at Ascension Brewery in Helena, MT. That event was canceled because of HB 359.
22. Bumblebee Aerial Fitness was previously invited to perform at the Rodney Street Block party in Helena, MT, but after the passage of HB 359, the Rodney Street Block organizers backed out.
23. As a small, locally owned business, cancellations of our performances have an incredibly detrimental effect on both our profitability and reputation.
24. Beginner-level performance opportunities, typically modeling classes, have disappeared as organizations have reacted to the potential repercussions of HB 359.
25. The absence of these beginner-level performances is detrimental to both our business and our athletes because it restricts our ability to exhibit our work and impinges on our freedom of expression.
26. We rely on performances to bring in new clientele. As performances decrease, we could see our clientele stop growing and possibly diminish.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 17th day of July, 2023.

DocuSigned by:  
  
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Sabrina Malecek